

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

USA	§	
	§	
vs.	§	NO: SA:22-CR-00366(1,4,6,7)-OLG
	§	
(1) HOMERO ZAMORANO JR.	§	
(4) FELIPE ORDUNA-TORRES	§	
(6) LUIS ALBERTO RIVERA-LEAL	§	
(7) ARMANDO GONZALES-ORTEGA	§	

AMENDED SCHEDULING ORDER

(Amended to capture the correct excludables all other dates remain as previously set)

On this day came on to be considered the Defendant's **Luis Alberto Rivera-Leal (6) & Armando Gonzales-Ortega (7)** Unopposed Motion to Continue Scheduling Order Deadlines. There being no severance granted in this cause of action, the Court finds that the co-defendant(s) **Homero Zamorano Jr. (1), Felipe Orduna-Torres (4)** shall proceed to trial with movant.

The Court finds that the period between **Monday, December 11, 2023** and **Monday, March 11, 2024**, is a reasonable period of necessary delay to allow counsel time for preparation for trial and further finds that such period shall be excluded from the time within which the defendant must be brought to trial and that the ends of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial under the Speedy Trial Act pursuant to Title 18, United States Code, Section 3161(h)(7)(A).

It is hereby **ORDERED** that defendant **Luis Alberto Rivera-Leal (6) & Armando Gonzales-Ortega (7)** Unopposed Motion to Continue (doc. #185, #187) is **GRANTED**.

Pursuant to Federal Rules of Criminal Procedure 11(c) and the holding of the Fifth Circuit Court of Appeals in United States of America v. Ellis, 547 F.2d 863 (5th Cir. 1977), the **deadline** for notifying the Court of any **plea bargain** or **plea agreement** entered into by the parties in this cause is **Thursday, February 29, 2024**. The Court will not accept a plea agreement after the aforementioned deadline. Should a plea agreement be reached and filed in this case and absent written objection filed contemporaneously therewith, this case will be referred to a United States Magistrate Judge for the purpose of administering the plea of guilty and the Fed. R. Crim. P. 11 allocution, subject to final approval and the imposition of sentence by the United States District Court.

PRETRIAL MATTERS

Motions in Limine, witness lists, exhibit lists, and agreed stipulations as to certain elements or facts, if any, shall be filed Thursday, February 29, 2024. Responses to motions in limine, proposed jury instructions, and proposed voir dire shall be filed Monday, March 04, 2024.

In order to conduct a more efficient and expeditious trial, counsel is encouraged to exchange exhibits within a reasonable period but no later than seven (7) days prior to the pretrial conference. Once counsel has provided opposing counsel with proposed exhibits, authentication of the exhibit will be presumed unless opposing counsel notifies the offering party in writing within three (3) days after the exhibit is listed and made available. To the extent that counsel intend to raise objections concerning the admissibility of exhibits, such objections must be made


at the pretrial conference or at least three (3) business days before trial by notifying the Court in writing of the evidentiary disputes with copies of the disputed exhibit and authority attached to the written objection. Counsel should also advise the Court of any anticipated objections to witness testimony at the pretrial conference or at least three (3) business days prior to trial.

Pretrial Conference is reset for Thursday, February 29, 2024 at 10:30 a.m. in Courtroom C, on the Second Floor of the United States Courthouse, 262 W. Nueva Street, San Antonio, Texas 78207.

Jury selection and trial are reset for **Monday, March 11, 2024** at **9:30 a.m.** in Courtroom C, on the Second Floor of the United States Courthouse, 262 W. Nueva Street, San Antonio, Texas 78207.

IT IS FURTHER ORDERED that the Clerk of the Court shall send a copy of this order to counsel for the defendant, the United States Attorney, the United States Pretrial Services and the United States Probation Office. **Counsel for the defendant shall also notify the defendant of this schedule** and advise the defendant that he must be present for all court proceedings unless excused by the Court.

Signed this 31st day of January, 2024



ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE